Y DRIVE. 450' SOUTHWEST OF WYE

COUNTY LOARD OF APPEALS BALTIMORE COUNTY

CASE NO. 89-231-A

OPINION

This case comes before this Board on appeal from a decision of the Zoning Commissioner dated January 4, 1989 denying the Petition for Variance. It would appear from a study of the case file that far more extensive testimony

was presented at this hearing than was before the Zoning Commissioner, this hearing being a de novo hearing.

Petitioner's first witness was Joseph P. Katrick, the property owner and petitioner in this case. Mr. Katrick testified that he purchased the subject site in 1983 and that at that time there existed the bulkhead and a metal pavilion with a roof located at the water's edge. In 1985, a severe storm destroyed the bulkhead and undermined the existing concrete deck. He submitted photographs as Petitioner's Exhibits No. 2D, No. 2E, and No. 2F showing the severe storm damage to which he testified. Mr. Katrick removed what was left of the bulkhead and the concrete slab abutting it and in 1986 rebuilt the bulkhead. He obtained all the necessary permits for this new bulkhead. In 1986, he replaced what had been an existing slab with a treated wood deck that extends from property line to property line. He also replaced the pier and obtained the proper permits to do so. In June of 1988, he applied for permits to build an open pavilion-type structure some 24 feet wide atop the deck. He testified that if permitted to retain this pavilion no electrical service or water supply would be extended to the pavilion. Mr. Katrick testified that all he was

Case No. 89-231-A Joseph P. Katrick, et al

attempting to do was to replace what had been there when he purchased the property in similar form. There was also testimony that since the deck was now of wooden construction rather than poured concrete the runoff would be

Robert Glen, Mr. Katrick's neighbor and abutting property owner, testified that he had lived there since 1954, that the deck and pavilion were in place at that time, and that he remembers very clearly the storm damage to which Petitioner testified. It was his opinion that what is now being done on the property is of no more impact than what was there originally. Another neighbor, Mr. Schuman, who resides two lots away and has lived there since 1984, testified that what is being done now is really a duplicate of what always existed. This concluded Petitioner's case.

People's Counsel presented in opposition to the requested variance Christopher LaMartina, who resides at 3703 Bay Drive and who opposes this petition. It was his testimony that he remembered the 1985 storm and that the bulkhead was undermined but it was his opinion that it did not have to be removed, that it could have been repaired. It was also his testimony that this pavilion is considerably larger than the original pavilion and that he was fearful that this pavilion might be closed in which would be detrimental to everyone's property. In response to Mr. LaMartina's opposition, and on crossexamination, Petitioner entered Petitioner's Exhibit No. 12, a photograph showing a pavilion, blue in color, closed in, on the waterfront of Mr. LaMartina's property.

Mary Carullo, a next-door neighbor on the other side from Robert Glen, opposes the petition. It was her claim that this pavilion would restrict her view and that the configuration between Mr. Katrick's lot and her lot is such that drainage from Mr. Katrick's property flows onto her property. On

Case Nr 89-231-A Joseph P. Katrick, et al

cross-examination, she was shown Petitioner's Exhibit No. 2-G which shows her concrete deck extending from property line to property line which was built within the last three or four years. This basically concluded the testimony in

Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) grants the Board of Appeals the power to grant area variances where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship, and without substantial injury to public health, safety, or general welfare. There was ample testimony that up until the storm of 1985 a deck and pavilion had existed, exactly where the new one has been erected. It is the opinion of this Board that to deny the property owner the right to replace something that was destroyed beyond his control would be an unreasonable hardship. In the instant case, Mr. Katrick purchased this property with a concrete slab and a pavilion and a bulkhead, which were rendered unusable by nature. To now deny him the right to replace this would be an unreasonable hardship, and would be arbitrary on the part of the Board. It is the opinion of this Board that the replacement as testified to will not create substantial injury to public health, safety or general welfare. In consideration of all the testimony and evidence received this day, the Board is of the opinion that the variance as applied for should be granted.

an accessory structure (deck) in the front yard in lieu of the required rear

Case No. 89-231-A Joseph P. Katrick, at al

line be and the same is hereby GRANTED.

yard and to permit the deck to be erected with 0 feet setbacks from the property

Any appeal from this decision must be made in accordance

with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

It is therefore this 10th day of October , 1989 by the County Board of Appeals of Baltimore County ORDERED that the variance to permit

IN RE: PETITION FOR ZONING VARIANCE SE/S Bay Drive, 450' SW of * ZONING COMMISSIONER Wye Road (3707 - 3709 Bay Drive) * OF BALTIMORE COUNTY 15th Election District 5th Councilmanic District

Joseph P. Katrick, et al * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* Case No. 89-231-A

The Petitioners herein request a variance to permit an accessory structure (deck) in the front yard (waterfront) in lieu of the required rear yard, to permit the accessory structure to be located within 2.5 feet of the shoreline as determined by mean low tide at the property line, and side yard setbacks of O feet in lieu of the required 2.5 feet, all in accordance with Petitioner's Exhibit 1.

The Petitioners, by Joseph Katrick, appeared and testified. Also appearing on behalf of the Petition was John Lamantia, a nearby property owner. Appearing as Protestants were Mary Carullo and Mr. LaMartina, adjoining property owners.

Testimony indicated that the subject property, zoned R.C. 5, is currently improved with two single family dwellings known as 3707 and 3709 Bay Drive. Petitioner testified that prior to storm damage in 1985. a bulkhead existed along the shoreline of the subject property. Mr. Katrick testified that due to the extent of the damages incurred, he removed and replaced the old bulkhead. Testimony indicated that in the process of replacing the bulkhead, Mr. Katrick decided to construct a deck which will ultimately lead to a new pier currently under construction as depicted in Protestant's Exhibits 1 and 2. Further testimony indicated Mr. Katrick also decided to build a pavillion on the deck from property line to property line covering the entire waterfront portion of the property. All improvements were made without benefit of a building permit.

Mr. LaMartina testified he lives at 3703 Bay Drive and indicated he is opposed to the subject improvements. He testified the deck and pavillion are unattractive and that the bulkheading previously removed was not in disrepair. He further testified in his opinion all of the improvements made along the waterfront are inconsistent with the zoning regulations and unnecessary. Mr. LaMartina is opposed to the grading and filling of Petitioner's lot which has been taking place as he believes it will lead to drainage problems on his and the other Protestant's properties.

Mrs. Carullo testified in agreement with Mr. LaMartina's testimony. She further testified that the subject improvements were an eyesore and indicated the Petitioners were building up the subject property in a manner that will cause drainage problems for her and Mr. LaMartina. She further testified that in her opinion the aesthetic value of their properties has been decreased as a result of Petitioners' improvements.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

> 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

> whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variance were denied. The testimony presented by Petitioners was in support of a matter of preference rather than of the necessity for the variance. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Further, Petitioners provided no testimony or evidence that this project would meet the requirements set forth in Sections 307.2 or 500.14 with respect to development of properties located within the Chesapeake Bay Critical Areas. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4 day of January, 1989 that the Petition for Zoning Variance to permit an accessory structure (deck) in the front yard (water-Afront) in lieu of the required rear yard, to permit the accessory structure to be located within 2.5 feet of the shoreline as determined by mean low tide at the property line, and side yard setbacks of 0 feet in lieu of the required 2.5 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

IT IS FURTHER ORDERED that the deck and pavillions be removed from the subject property within 90 days of the date of this Order. The remaining bulkheading shall be permitted to remain on the property.

Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

ROBERT HAINES

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 ¥XXXXX 887-3353

J. Robert Haines

January 4, 1989

Mr. Joseph P. Katrick P.O. Box 465 Joppa, Maryland 21085

RE: PETITION FOR ZONING VARIANCE SE/S Bay Drive, 450' SW of Wye Road (3707-09 Bay Drive) 15th Election District - 5th Councilmanic District Joseph P. Katrick, et al - Petitioners Case No. 89-231-A

Dear Mr. Katrick:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines
Ting Committee V for Baltimore County

Dennis F. Rasmussen

JRH:bjs

cc: Mr. LaMartina c/o 3703 Bay Drive, Baltimore, Md. 21220 Ms. Mary Carullo

3711 Bay Drive, Baltimore, Md. 21220 People's Counsel

JRH:bjs

Zoning Commissioner for Baltimore County

PETITION FOR ZONING VAMANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines

Petition for Zoning Variance

NOTICE OF HEARING

ORDERED By The Zoning Commissioner of Baltimore County, this 2744 day

Zoning Commissioner of Baltimore County.

of ______, 19 8, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

CASE NUMBER: 89-231-A SE/S Bay Drive, 450' SW Wye Road (3707 - 09 Bay Drive) 15th Election District - 5th Councilmanic Petitioner(s): Joseph P. Katrick. et al HEARING SCHEDULED: THURSDAY, DECEMBER 15, 1988 at 9:00 a.m.*

Variance to permit an accessory structure (deck) in the front yard (waterfront) in lieu of the required rear yard and permit side yard setbacks of 0' in lieu of the required 21. Also, to permit the accessory structure with 21 of the shore line by determining the mean low tide-property line.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

cc: Joseph P. Katrick, et al Chesapeake Bay Critical Area Commission

EMERGENCY PLAN IS IN EFFECT IN BALTIMORE COUNTY BY 8:30 a.m. ON THE DATE OF THE ABOVE HEARING, SUCH HEARING WILL BE POSTPONED AND TENTATIVELY RESCHEDULED FOR THURSDAY, JANUARY 12, 1989. PLEASE telephone docket clekk AT 494-3391 or 887-3391 TO CONFIRM DATE.

ZONING DESCRIPTION

3707-3709 BAY DRIVE

BEGINNING on the southeast side of Bay Drive at the distance of 150 feet southwesterly from the westernmost corner of Lot No. 230 as shown on the plat of the Second Addition to Plat No. 1 of Bowley's Quarters and running 50 feet along the southeast side of Bay Drive with a depth of 450 feet more or less to the waters of the Chesapeake Bay. Also known as 3707-3709 Bay Drive in the 15th Election District.

CERTIFICATE OF PUBLICATION

Towson, Maryland 21204 OFFICE OF The Zoning Commissioner of Balti-more County, by authority of the Dundalk Eagle Zoning Act and Regulations of Ballimore County will hold a public hearing on the property identified

Zoning Commissioner Office of Planning & Zoning

494-3353

NOTICE OF HEARING

herein in Room 106 of the County

Office Building, located at 111 W.

Chesapeake Avenue in Towson, Mary-

Petition for Zoning Variance

CASE NUMBER: 89-231-A

SE/S Bay Drive,

450' SW Wye Road

(3707 - 09 Bay Drive) 15th Election District

5th Councilmanic District

Joseph P. Katrick, et al HEARING SCHEDULED: THURSDAY,

DECEMBER 15, 1988

Variance to permit an accessory structure (deck) in the front yard

(waterfront) in heu of the required

rear yard and permit side yard set

backs of 0' in lieu of the required

21/2. Also, to permit the accessory structure with 21/2 of the shore line by determining the mean low tide-

*IF PHASE II OF SNOW EMER

THIS DATE, CASE WILL BE RESCHE

in the event that this Petition is granted, a building permit may be issued within the thirty (30) day ap

peal period. The Zoning Commis

sioner will, however, entertain any request for a stay of the assuance of said permit during this period for good cause shown. Such request

Baltimore County

494-3353

Zoning Commissioner Office of Planning & Zoning

Towson, Maryland 21204

Mr. Joseph P. Katrick Ms. Margie M. Slone P. O. Box 465 Joppa, Maryland

Dear Mr. Katrick:

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE - REVENUE DIVISION

Petition for Zoning Variance CASE NUMBER: 89-231-A

(3707 - 09 Bay Drive)

SE/S Bay Drive, 450' SW Wye Road

15th Election District - 5th Councilmanic Petitioner(s): Joseph P. Katrick, et al

HEARING SCHEDULED: THURSDAY, DECEMBER 15, 1988 at 9:00 a.m.*

GENCY PLAN IS IN EFFECT ON

DULED. CALL 494-3391 or 887 3391

TO CONFIRM DATE.

at 9:00 a.m.*

land as follows:

4 N. Center Place P. O. Box 8936 Dundalk, Md. 21222

November 23,

THIS IS TO CERTIFY, that the annexed advertisement of Robert Haines in the matter of Zoning Hearings -Case #89-231-A - P.O. #05903 - Req. #M20455 - 110 lines @ \$55.00. The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week 1988 ; that is to say, 24th day of November

the same was inserted in the issues of Nov. 23, 1988

Date: 12/2/88

Kimbel Publication, Inc. per Publisher.

SW Wye Road (3707 - 09 Bay Drive) 15th Election District 5th Councilmanic Petitioner(s): Joseph P. Katrick, et al Hearing Date: Thursday, Dec. 15, 1988 at 9:00 a.m. cessory structure (deck) in the front yard (waterfront) in lieu of the required rear yard and permit side yard setbacks of 0' in lieu of the required 2 1/2. Also, to permit the accessory structure with 2 Y the mean low tide-property line.

"IF PHASE II OF THE SNOW
EMERGENCY PLAN IS IN EFFECT ON THIS DATE, CASE
MAY BE RESCHEDULED. CALL
494-3391 TO CONFIRM DATE.
In the event that this Potition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Com-missioner will, however, entertain

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by suthority of the Zoning Act and Regulations of Jaltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avance of the County of the County Office Suiding, located at 111 W. Chesapeake Avance of the County of the County Office Suiding, located at 111 W. Chesapeake Avance of the County of the County Office Suiding, located at 111 W. Chesapeake Avance of the County of the County of the County Office Suiding in the County of the County

resented at the hearing. :

J. ROBERT HAINES

District 15 74

Posted for: Variance

CERTIFICATE OF POSTING

Location of property: SE/S Bay Drivo 1450' SW Wye Ad,

PO 05902 missioner win, nowever, emerian any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or

nea M 20454 case 89-231-1 price \$45.00

Petitioner: Joseph P. Katricketal

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 28, 19 E8 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on narentes 24, 1988.

THE JEFFERSONIAN,

5. Zehe Orland

Protestant 1

CERTIFICATE OF POSTING

Petitioner: Jos esh P. Katrick, els!

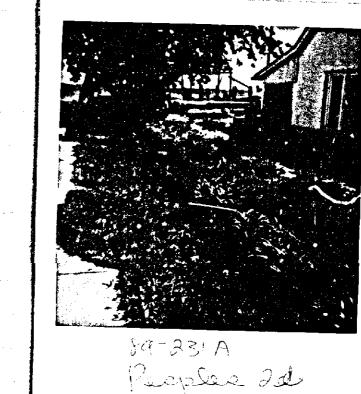
Location of property: 3 F/S Rey Drivo 1100 54/hys Rd.

3707 + 3709 1304 Drivo

ZONING DEPARTMENT OF BALTIMORE COUNTY

Location of Signe Feeling Bey Diver appear 15 Fr. Medwey Fex

99-331-A



3703 BAY DAVE

Number of Signs: __

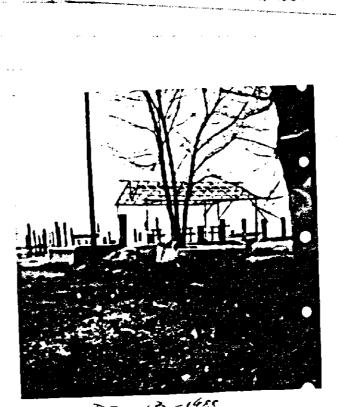
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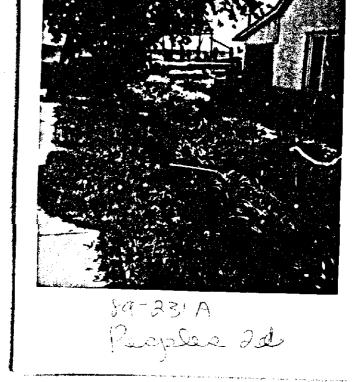
VIEW FROM MY FRONT DEOR 59-33-A 120-20 20



SIDE VIEW- FILE PATER. JULIUS &



34.03-A REMEDIA 201 View Floring my Mant le mises



Protestant 2

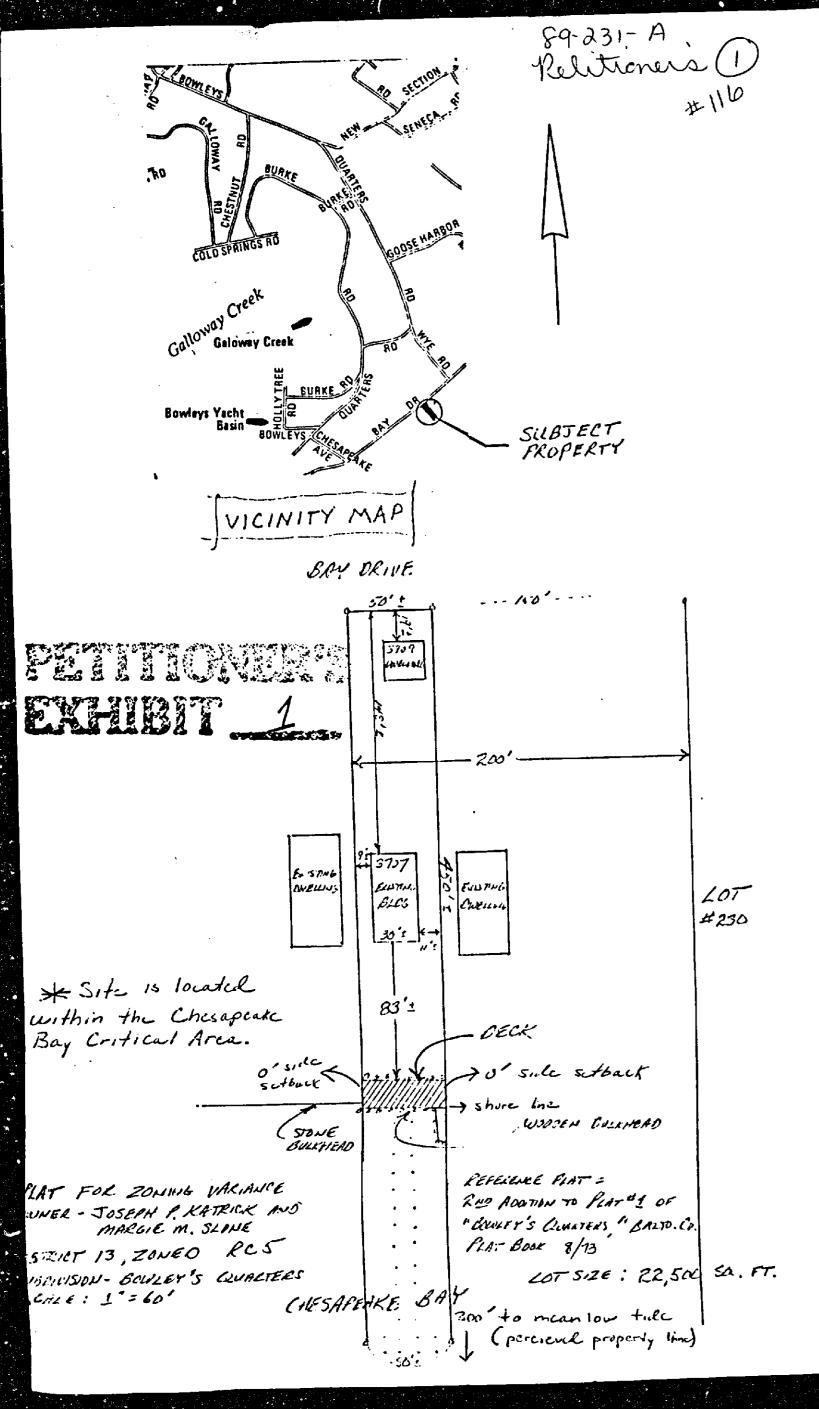


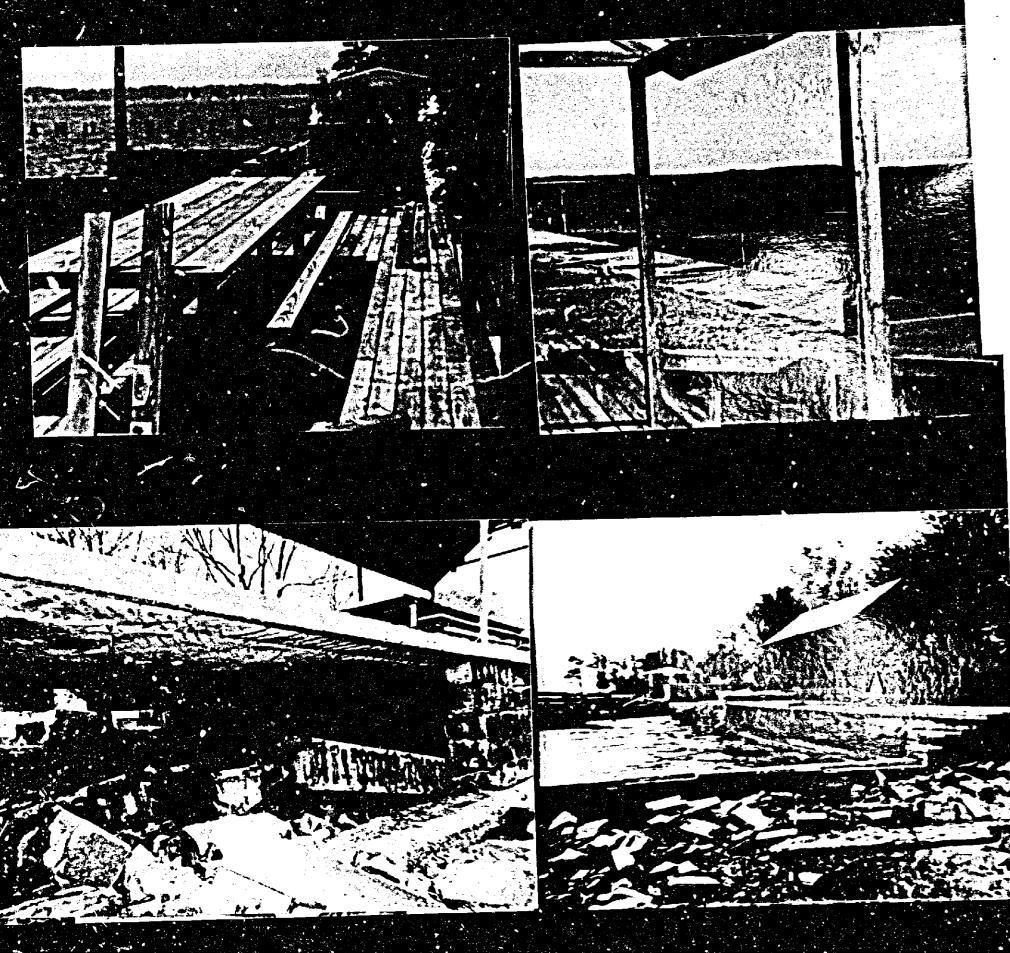


VIEL FROM C LA HIGHTING 2703 Boy Dever inc

Please be advised that \$//5.00 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do <u>not</u> remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself. THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. it along with the sign(s) and post(s) to the Zanis Office, County Office
Building Post 1 (2007) (2007) (2007) (2007) (2007) d post set(s), there

Dennis F. Rasmussen
County Executive





89-231-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this day of <u>October</u>, 1988.

ZONING COMMISSIONER

Petitioner Joseph P. Katrick, et al Received by: James E. Dyer
Chairman, Zoning Plans

Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 6, 1988

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204 Joseph P. Katrick Margie M. Slone P.O. Box 465 Joppa, MD 21085

MEMBERS Bureau of Engineering Department of Traffic Engineering State Roads Commission

Health Department Project Planning Building Department Board of Education Zoning Administration RE: Item No. 116; Case No. 89-231-A Petitioner: Joseph P. Katrick, etal Petition for Zoning Variance

Dear Mr. Katrick & Ms. Slone:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

JAMES E. DYER

Zoning Plans Advisory Committee

November 29, 1988

JED:scj Enclosures

B._TIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines TO Zoning Commissioner Pat Keller, Deputy Director
FROM Office of Planning and Zoning

Zoning Petition Nos. 89-187-A (Ryan Homes); 89-188-A (Healy); 89-202-A (Cromwell Station Joint Venture); 89-206-A (Krivitski); 89-207-A (Minton); 89-211-A (Div.-Greenspring Ave.); 89-212-A (Bollinger); 89-217-A (Dobrzyowski) 89-218-A (Yanchus); 89-228-A (Bosse); (89-230-A [Ray] and 89-231-A [Katrick] - located in Critical Area) and 89-235-A (Blevins)

The Office of Planning and Zoning has no comment on the proposed projects except as noted:

- All requests should be subject to the site plan as shown (use, size, location) and not uniformly applied to the lot. Any substantial deviation from the construction as shown will result in voiding of the approval.

Towson, Maryland 21204-2586 494-4500 Paul H. Reincke Chief J. Robert Haines

Baltimore County

Fire Department

October 3, 1988

Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

Dennis F. Rasmussen

Re: Property Owner: Joseph P. Katrick & Margie M. Slone Location: SE/S Bay Drive, 450' SW of Wye Road

Item No.: 116

Zoning Agenda: Meeting of 10/4/88

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

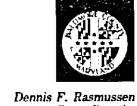
() 6. Site plans are approved, as drawn.

(x) 7. The Fire Prevention Bureau has no comments at this time.

Special Inspection Division

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 494-3554

October 28, 1988



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 107, 112, 115,(116)/117, 118, 119, 120, 122, 123, 125, 126,

Very truly yours,

Michael S. Flanigan Engineering Associate

MSF/1vw

ZONING OFFICE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines Zoning Commissioner

FROM: Mr. Robert W. Sheesley SUBJECT: Katrick Property, 3707-3709 Bay Drive Petition for Zoning Variance

ZONING OFFICE

Subject property is located at 3707 - 3709 Bay Drive in Baltimore County. The site is within the Chesapeake Bay Critical Area and is

classified as Limited Development Area. The applicant has filed a zoning variance to permit an accessory structure (deck and pavillion) in the front yard (waterfront) in lieu of the required rear yard and to permit side yard setbacks of 0 feet in lieu of the required 2-1/2 feet; and to determine the accessory

structure is not within 2-1/2 feet of the rear property line. In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that

proposed projects are consistent with the following goals of the Critical Area Law:

 "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;

Conserve fish, wildlife and plant habitat; and

3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01 0>

The proposed development will comply with Critical Area law provided that the zoning petition is conditioned with the following requirements:

Two major deciduous trees or four conifer trees shall be planted and maintained on the lot. A combination of these two tree types is acceptable provided that 2,000 square feet of tree cover is provided. A major deciduous tree is estimated to cover 1,000 square feet and a conifer, 500 square feet at maturity.

Memo to Mr. J. Robert Haines

October 25, 1988

- 2. Storm water runoff shall be directed from impervious surfaces associated with this petition to pervious areas to encourage maximum infiltration.
- 3. Rooftop runoff shall be directed through down-spouts and into a dry well of approved design to encourage maximimum infiltration (see attached dry well design).
- 4. The deck and pavillion structure shall be at least ten feet landward from the bulkhead to allow for an area of impervious surface for infiltration and vegetative planting as shown on the attached site plan, dated August 4, 1988.

Upon compliance with the above requirements, this project will be approved. Please contact Mr. David C. Flowers at 494-3980 if you require additional information.

> let W Shister Robert W. Sheesley, Director Department of Environmental Protection and Resource Management

RWS:DCF:tjq

Attachment

cc: The Honorable Ronald B. Hickernell

CONTROLLING TO THE

SUITE 802, EQUITABLE TOWSON BUILDING, TOWSON, MD. 21204 (301) 296-2151 January 26, 1989

Appeals Clerk Office of Zoning Commissioner for Baltimore County 111 W. Chesapeake Avenue Towson, Maryland 21204

> Re: Petition for Variance Case No.: 89-231-A Joseph P. Katrick, et al, Petitioners

Dear Mr. Clerk:

Enclosed please find original and copy of Notice of Appeal to the County Board of Appeals in the above-captioned

Kindly file and docket same and forward to the Board of Appeals.

Enclosed is check in payment of costs of filing the above appeal.

Very truly yours,

8381 77 1389

and the second of the second o BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION

MISCELLANEOUS CASH RECEIPT

AMOUNT \$ 90 00 The state of the Alberta Commercial Commercial

_B __B 235*****9000:a 630€F VALIDATION OR SIGNATURE OF CASHIER

IN RE: PETITION FOR ZONING VARIANCE, S/E/S OF BAY DRIVE, 450 S/W OF WYE ROAD (3707-3709 BAY DRIVE)

BEFORE THE ZONING COMMISSIONER * OF BALTIMORE COUNTY

* CASE NO.: 89-231-A 15TH ELECTION DISTRICT 5th Coucilmatic District JOSEPH P. KATRICK,

NOTICE OF APPEAL

MR. CLERK:

Please note an appeal from the decision of the Zoning Commissioner in the above-captioned matter dated January 4, 1989, to the County Board of Appeals. Please forward all papers in connection therewith to the Board for a hearing. Enclosed is check to cover costs of filing this Notice of

ET AL, PETITIONERS

401 Washington Avenue Suite 802 Towson, Maryland 21204 (301) 296-2151

IFICATE OF SERVICE

I HEREBY ... that on this 26 day of January, 1989, a copy of the foregoing Notice of Appeal was mailed to Phyllis Cole Friedman, People's Counsel for Baltimore County, Room 304, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204; Christopher LaMartina, 3703 Bay Drive, Baltimore, Maryland 21220; Mary Carullo, 3711 Bay Drive, Baltimore, Maryland 21220; County Board of Appeals, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

Attorney for Petitioner

Dennis F. Rasmussen

3/22/89 -Following notified of hearing set for Tuesday, July 18, 1989 at 10:00 a.m.:

Mr. Joseph P. Katrick Ms. Margie M. Slone -Michael-B--Sauer,-Esq. S. Eric DiNenna, Esq. 7/14/89 Mr. Christopher LaMartina Ms. Mary Carullo People's Counsel P. David Fields Pat Keller

Ann Nastarowicz James E. Dyer Docket Clerk -Zoning Arnold Jablon, Esq.

J. Robert Haines

7/18/89 -PP in open hearing on the record at request of S. Eric DiNenna, Esq. who entered his appearance on behalf of Petitioner (Michael B. Sauer, Esq., struck his appearance with same Motion); to be reset for 8/11/89 with concurrence of DiNenna and People's Counsel.

7/19/89 -Notice of PP and Reassignment sent to above as corrected re hearing set for Friday, August 11, 1989 at 1:00 p.m.

HEARING ROOM -

County Board of Appeals of Baltimore County COUNTY OFFICE BUILDING

111 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 (301):294:3(180): 687-3180 Room 301, County Office Building

March 22, 1989 NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO FOSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL

CASE NO. 89-231-A

JOSEPH P. KATRICK, ET AL SE/S Bay Drive, 450' SW of Wye Road (3707 - 3709 Bay Drive)

15th Election District, 5th Councilmanic District

VAR -To permit an accessory structure (deck) in waterfront front yard in lieu of the required rear yard and to permit side yard setbacks of 0 in lieu of the requiréd 2½.

1/4/89 -Z.C.'s Order DENYING Petition for Variance

ASSIGNED FOR: TUESDAY, JULY 18, 1989 at 10:00 a.m. cc: Mr. Joseph P. Katrick and Ms. Margie M. Slone

S. Eric Di Nenna Appellants/Petitioners Michael B. Sauer, Esquire Counsel for " / "

Mr. Christopher LaMartina Ms. Mary Carullo People's Counsel of Baltimore County P. David Fields Patrick Keller

J. Robert Haines Ann M. Nastarowicz James E. Dyer Docket Clerk -Zoning Arnold Jablon, Esquire

Office of Law

LindaLee M. Kuszmaul Legal Secretary

County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING 111 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 (301) 494-3180

HEARING ROOM - Room 301 County Office Building

July 19, 1989

NOTICE OF POSTPONEMENT AND REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 89-231-A

JOSEPH P. KATRICK, ET AL SE/s Bay Drive, 450' SW of Wye Road (3707-3709 Bay Drive) 15th Election District 5th Councilmanic District VAR -To permit accessory structure (deck) in fron yard (waterfront) in lieu of required rear yard; to permit side yd. setbacks of 0' in lieu of required $2\frac{1}{2}$ '. 1/04/89 -Z.C.'s Order: that Petition for Variance

which had been scheduled for hearing on Tuesday, July 18, 1989 has been POSTPONED on the record in open hearing at the request of Counsel for Petitioner and without objection of People's Counsel and, with mutual consent of Counsel, has been

is DENIED.

REASSIGNED FOR:

FRIDAY, AUGUST 11, 1989 at 1:00 p.m.

cc: Mr. Joseph P. Katrick and Ms. Margie M. Slone

S. Eric DiNenna, Esquire

Appellants /Petitioners Counsel for Appellants /Petitioners Appellee /Protestant

Mr. Christopher LaMartina Ms. Mary Carullo People's Counsel for Baltimore County

P. David Fields Pat Keller J. Robert Haines Ann M. Nastarowicz James E. Dyer Docket Clerk -Zoning Arnold Jablon, County Attorney

> Kathleen C. Weidenhammer Administrative Assistant

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

21204.

89 FEB -9 PH 3: 45

February 9, 1989

J. Robert Haines Zoning Commissioner

Baltimore County Board of Appeals County Office Building, Room 315 Towson, Maryland 21204

RE: Petition for Zoning Variance SE/S Bay Drive, 450' SW of Wye Road (3707 - 3709 Bay Drive) 15th Election District, 5th Councilmanic District JOSEPH P. KATRICK, ET AL - Petitioner Case No. 89-231-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on January 27, 1989 by Michael B. Sauer, Attorney on behalf of the Petitioners. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Zoning Commissioner

JRH:cer

Enclosures

cc: Mr. Joseph P. Katrick and Margie M. Slone P.O. Box 465, Joppa, Md. 21085

Mr. Michael B. Sauer, 401 Washington Avenue, Suite 802 Towson, Maryland 21204

Mr. Christopher LaMartina, 3703 Bay Drive, Baltimore, Md. 21220

Ms. Mary Carullo, 3711 Bay Drive, Baltimore, Md. 21220

People's Counsel of Baltimore County Rm. 304, County Office Bldg., Towson, Md. 21204

File

DINENNA, MANN & BRESCHI ATTORNEYS AT LAW

S. ERIC DINENNA, P.A. JAMES L. MANN, JR., F.A. GEORGE A. BRESCHI, P.A.

GERALDINE A. KLAUBER

Third Floor

FRANCIS X. BORGERDING, JR.

July 14, 1989

County Office Building Towson, Maryland 21204

RE: Case No.: 89-231-A Joseph Katrick, et al. Petitioners

P.O. BOX 10508

SUITE 600

MERCANTILE-TOWSON BUILDING

409 WASHINGTON AVENUE

TOWSON, MARYLAND 21204

(301) 296-6820

TELEFAX (301) 296-**€3**84

TOWSON, MARYLAND 21285-0508

Dear Mr. Chairman:

County Board of Appeals

Enclosed herewith please find a Motion to Strike and Enter Appearance concerning the above-captioned matter.

Mr. Sauer must strike his appearance in this matter and the client has retained me to represent him.

I just received the file on Thursday, July 13, 1989.

In light of the shortness of time between my being retained and entering my appearance and the date of hearing which is set for July 18, 1989, I must respectfully request a postponement.

This is to confirm that I spoke with Mr. Schmidt, member of the Board, and in light of the situation, a postponement would probably be granted.

I have spoken with People's Counsel concerning this and attempted to reach one of the Protestants, Mr. LaMartina at his phone, but did not receive an answer.

By copy of this letter, I am advising Mr. LaMartina of my request and the probability of the postponement and would ask that he call People's Counsel as to his status or whether or not he should attend on

Please advise me.

Very truly yours

Enclosure

cc: Mr. Christopher LaMartina People's Counsel of Baltimore County Mr. Joseph Katrick Michael B. Sauer, Esquire Ms. Mary Carullo

* BEFORE THE IN RE: PETITION FOR ZONING VARIANCE, S/E/S OF BOARD OF APPEALS BAY DRIVE, 450 S/W OF WYE ROAD (3707-* OF BALTIMORE COUNTY 3709 BAY DRIVE) 15TH ELECTION DISTRICT * CASE NO.: 89-231-A 5th Councilmatic District JOSEPH P. KATRICK,

ET AL, PETITIONERS

MOTION TO STRIKE AND ENTER APPEARANCE

* * * * * * * * *

MADAME CLERK:

Please strike the appearance of Michael B. Sauer, Esquire, and enter the appearance of S. Eric DiNenna, Esquire on behalf of the Petitioners, Joseph P. Katrick, et al.

Suite 802 Equitable Towson Building Towson, Maryland 21204 (301) 296-2151

/ DiNenna, Mánn and Breschi Suite 600 409 Washington Avenue Towson, Maryland 21204 (301) 296-6820

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ______/9 day of July, 1989, a copy of the foregoing Motion to Strike and Enter Appearance was mailed to Phyllis Cole Friedman, People's Counsel for

Baltimore County, Room 304, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204; Christopher LaMartina, 3703 Bay Drive, Baltimore, Maryland 21220; Mary Carullo, 3711 Bay Drive, Baltimore, Maryland 21220.

Attorney for Petitioners

